

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

JAMES PAUL AERY,

Plaintiff,

Civil No. 20-55 (JRT/ECW)

v.

ORDER

CONNOR CREMENS,

Defendant.

James Paul Aery, Beltrami County Jail, 626 Minnesota Ave NW, Bemidji, MN 56601, *pro se* plaintiff.

Jacqlyn Warner, **DAKOTA COUNTY ATTORNEY'S OFFICE**, 1560 Highway 55, Hastings, MN 55033, for defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated January 28, 2021, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. Defendant Connor Cremens' Motion to Dismiss (ECF No. 32) is **GRANTED**;
and
2. This action be **DISMISSED** is follows:
 - a. Plaintiff James Paul Aery's individual capacity claims against Defendant Connor Cremens are dismissed **WITH PREJUDICE**, and
 - b. Plaintiff James Paul Aery's official capacity claims against Defendant Connor Cremens are dismissed **WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: February 12, 2021
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court